

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MATTHEW ROACH, et al.,

Plaintiffs,

v.

3:10-CV-591  
(TJM/DEP)

T.L. CANNON CORP., et al.,

Defendants.

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Thomas J. McAvoy, S.U.S.D.J.

**DECISION & ORDER**

This case, which asserts class-actions claims based on alleged violations of wage and hours laws in restaurants controlled by the Defendants, was referred to United States Magistrate Judge David E. Peebles, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In his Report-Recommendation, Magistrate Judge Peebles recommends that the claims of certain opt-in Plaintiffs be dismissed for failure to comply with discovery demands and court orders related to those demands. No objections to the Report-Recommendation were filed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

This Court therefore ADOPTS the Report-Recommendation, dkt. # 216, for the reasons stated therein, and it is ORDERED that Defendants' motion to dismiss, dkt. # 212, is hereby **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. The motion is **GRANTED** and all claims are dismissed with respect to the following Plaintiffs:

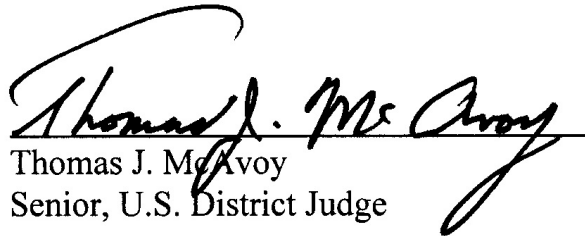
- a. Amanda Blesinger;
- b. Mary A. Brooks;
- c. Teresa Congiusti;
- d. Rachel Cortesi;
- e. Davetta Darity;
- f. Joana E. Gleason;
- g. Jessica Hagerty;
- h. Catherine (Hagery) Perez;
- i. Angela Harrington (Krezmer);
- j. Nicole Jerard;
- k. Robyn King;
- l. Joseph M. Marino;
- m. Stacey L. McLeer;
- n. Elena J. Morales;
- o. Anthony J. Pacheco;
- p. Jill Scalzo;
- q. Meghan K. Smith;
- r. Meghan A. Tuma (Zafuto);
- s. Tara A. Werner; and
- t. Jonathan M. Williams; and

2. The motion is **DENIED** with respect to the claims of:

- a. Amy Barber;
- b. Lisa Cook; and
- c. Amanda Resue.

**IT IS SO ORDERED.**

Dated: January 9, 2017

  
Thomas J. McAvoy  
Senior, U.S. District Judge